

III. REMARKS

1. Claim 68 is cancelled without prejudice.

2. Claims 14-68 are not unpatentable over Wantanabe, US Pat. No. 6,310,897 ("Wantanabe") in view of Anderson et al., U.S. Pat. No. 6,072,771 B ("Anderson") under 35 U.S.C. §103(a).

It is respectfully submitted that the Examiner has misconstrued the application of Anderson to Applicants' invention. Anderson discloses a method and apparatus for processing a datastream. The datastream contains systems data, which is in tables, other systems data, and payload data. More specifically, Anderson is related to demultiplexing of an MPEG-2 transport bitstream and the filtering of corrupted MPEG-2 table sections before they are stored in host DRAM. The aim is to save host memory and processing capacity. Anderson discloses that three types of errors are detected in table sections: PID stream errors, table section CRC errors and table section length errors. The PID stream errors comprise missing or corrupted packets among the transport packets carrying the table section data. CRC errors are associated with failed redundancy checking in received table data. The table sections with errors are discarded without delivering them to DRAM memory.

In Applicants' invention, if an invalidity in a demultiplexed video data unit is detected, an indication is forwarded to the video decoder with the demultiplexed video data signal. This is not disclosed or suggested by Anderson. Rather, Anderson teaches that any erroneous data is discarded. (Col. 12, lines 54-67.) Specifically, in Anderson, three types of errors are "detected, identified and removed." (Col. 6, lines 17-21.) This "saves system memory which would otherwise be allocated to error-

containing table sections." (Col. 6, lines 44-46.) Anderson makes the assumption that corrupted data cannot be used. Unlike Applicants' invention, there is no teaching in Anderson that would disclose the option of recovering parts of the corrupted data. Thus, Applicants' invention is different from Anderson in this regard. Watanabe also does not disclose or suggest Applicants' invention. In Watanabe, the method focuses on reconstructing particularly header information. There is no teaching in Watanabe that refers to the option of leaving open the actual type of recovered information e.g. whether it is a question of header, video frame, video slice, macroblock or any other information possibly contained in the multiplex signal. In other words, Watanabe does not consider the possibility of delegating the error recovery for a further stage of the process, particularly to the video decoder. Neither Watanabe nor Anderson disclose or suggest a further stage that receives error type indications. Also, Watanabe teaches against the invention at hand in that redundant information is necessary. Therefore, one skilled in the art would not arrive to the invention at hand by combining the teachings of Watanabe and Anderson.

Furthermore, Watanabe merely discloses an information transmission method for a video signal wherein a transmission side transmits reconstruction information required to reconstruct contents of header information or part of the header information upon adding the reconstruction information to encoded information. The reconstruction information is implemented, for instance, by repeating parts of frame layer header information on the slice layer. Furthermore, the reception side performs an error check with respect to the header information or part of the header information and decodes the encoded information by using the reconstruction information as a substitute when an error is

detected by the error check. In short, Watanabe relates to error detection and error correction applied to multiplexed video signals (performed by adding redundant e.g. header information).

Significantly, Watanabe fails to disclose or suggest "forwarding, as a response to detecting an invalidity in a demultiplexed video data unit, an error type indication to the video decoder with the demultiplexed video data signal" present in the independent claims.

The solution disclosed in Watanabe is essentially different than that of the present invention. In Watanabe, designation information is inserted in the bit stream before the transmission (see e.g. abstract, col. 2, lines 55-65.). Furthermore, the purpose of Watanabe is to ensure reconstruction of header information (at the receiving end) even if an error is introduced in the bit stream. Watanabe departs from the invention at hand, which assumes that no such redundant information is available for the receiving end. Thus, neither Watanabe nor Anderson or the combination thereof, discloses or suggests each of the features of Applicants' invention as recited in claims 14-68.

3. In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142). As noted above, Watanabe in view of Anderson does not disclose or suggest each feature of Applicants'

invention as claimed. Thus, a *prima facie* case of obviousness cannot be established and claims 14-68 should be allowable.

Applicants submit that there is no suggestion or motivation to modify the references as proposed by the Examiner. The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of Watanabe in view of Anderson. The references themselves and/or the knowledge generally available to one of skill in the art does not provide the requisite motivation or suggestion to modify the reference as proposed for purposes of 35 U.S.C. §103(a).

Watanabe is directed to an information transmission method for video signals where a transmission side transmits "reconstruction" information required to reconstruct contents of header information or part of the header information upon adding the reconstruction information to encoded information. Anderson goes in another direction. Anderson deals with detecting errors in the transmission of "table sections" and not delivering the errored table sections to memory.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993). The Examiner states that the motivation to combine the references is to allow a system to know the type of error to quickly respond. The Examiner is requested to provide an indication as to where any such teaching, suggestion or motivation appears in the reference. Furthermore, the proposed motivation has nothing to do with Applicants' invention. As noted, Applicants' invention in part forwards an error type indication with the demultiplexed video

data signal. There is no such disclosure in either reference or in the combination of references. Absent such a teaching, it is submitted that a *prima facie* case of obviousness over Watanabe in view of Anderson under 35 U.S.C. §103(a) is not established.

4. Furthermore, Applicants respectfully note that Watanabe and Anderson have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case Watanabe and Anderson are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Neither Watanabe nor Anderson are in the same field as the Applicants' invention. Applicants' invention is directed to demultiplexing a multiplex signal including, "forwarding, as a response to detecting an invalidity in a demultiplexed video data unit, an error type indication to the video decoder with the demultiplexed video data signal." Watanabe relates to error detection and error correction applied to multiplexed video signals by adding redundant header information. This is not the same as Applicants' invention. Anderson is directed to processing a data stream. Anderson demultiplexes MPEG-2 transport bitstreams and filtering corrupted MPEG-2 table sections before they are stored in host DRAM. This is not the same as forwarding an error type indication as is claimed by Applicants.

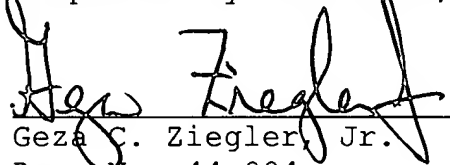
Thus, Watanabe and Anderson do not address the problems addressed by Applicants' invention, are not in the same field of endeavor

as the Applicants' endeavor, and are not reasonably pertinent to the particular problem with which the Applicants were concerned. Thus, Watanabe and Anderson are not analogous art. Therefore, Watanabe may not properly be combined with Anderson for purposes of 35 U.S.C. §103(a).

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$1720.00 is enclosed for a three-month extension of time and filing fee. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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